

PATENT APPLICATION
Docket No. 16528.2a.3a

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof that is not a U.S. patent document is also enclosed.

Statement of Relevance of References Listed Unaccompanied by English Translation
Under 37 CFR § 1.98(a)(3)

In accordance with 37 CFR § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a full translation into English is provided.

French Publication No. 2731210: The packaging is made from an opaque sheet of multi-layered isothermal material (10, 11). The material is cut out with a profile allowing its sticking or welding on an edge portion forming a volume corresponding to the bottle shape. This volume has either a side or bottom opening enabling the bottle to be introduced. On its external surface is a label or screen print. Near the bottle neck is an opening allowing the bottle cork to breathe. The profile has a rounded part (102) and a narrower end part (101) forming a neck. The end part is attached, head to toe, with the neck narrow part (111) of a second profile. This second profile is extended by a rounded part (112) at the bottom of which, corresponding to the bottle sides, is a folding line (12) which forms a circular bottom (113). A tongue (13) adjacent to the bottom closes the bottom formed by the two sections. The upper edges of the profile also end in a circular shape (103) so as to form a double bottom for increasing the thermal and optical sealing.

French Publication No. 1406827: This publication is cited in the International Search Report from corresponding PCT Application PCT/CH03/00817 dated March 9, 2004 (no English abstract is available).

Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. Prior to the later of either three (3) months following the filing date or the mailing of a first substantive Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - Promptness Certification; or
 - Payment in the amount of \$180 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

- Promptness Certificate;
- Petition for Consideration; and
- Check No. in the amount of constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

- Petition to Withdraw from Issue; and
- Check No. in the amount of constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 7th day of April 2010.

Respectfully submitted,

/Scott A. Woodbury/ Reg. #55743
SCOTT A. WOODBURY

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